

ENTERED

February 07, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHRISTOPHER EUSTICE,	§ CIVIL ACTION NO. § 4:19-cv-04813
Plaintiff,	§ § §
vs.	§ JUDGE CHARLES ESKRIDGE § §
BAKER HUGHES, Defendant.	§ §

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Christopher Eustice proceeds here *pro se*. His action seeks compensatory damages from Defendant Baker Hughes for its alleged employment discrimination. Dkt 16 at 3–6 (second amended complaint).

This matter was referred to Magistrate Judge Sam S. Sheldon for disposition. Minute Entry of 07/10/2020. He previously recommended that a motion by Defendant Baker Hughes for judgment on the pleadings be granted on all claims except for those pursuant to the Rehabilitation Act and for failure-to-hire pursuant to the ADA. Dkt 23; see also Dkt 16. That recommendation has already been adopted as an order of this Court. Dkt 26.

Baker Hughes then brought a motion to dismiss the entire action for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. Dkt 33. Eustice never responded but did file a motion for electronic service access in this matter. Dkt 35. Judge Sheldon recommended that the motion by Baker Hughes be granted, that the motion by Eustice be denied as moot, and that this matter be dismissed with prejudice. Dkt 36.

No party filed objections.

A district court conducts “a *de novo* review of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 USC § 636(b)(1)(C). But where there has been no objection to the ruling of the magistrate judge, the district court reviews the report and recommendation for “clear error, abuse of discretion and contrary to law.” *US v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989) (quotation omitted).

The pleadings, record, applicable law, and recommendations have been reviewed. No clear error or abuse of discretion appears on the face of the record, and the findings are not contrary to applicable law.

The Memorandum and Recommendation of Magistrate Judge Sheldon is ADOPTED as the Memorandum and Order of this Court. Dkt 36.

The motion to dismiss by Defendant Baker Hughes is GRANTED. Dkt 33.

The motion by Plaintiff Christopher Eustice for electronic service access in this matter is DENIED AS MOOT. Dkt 35.

Any other pending motions are DENIED AS MOOT.

This case is DISMISSED WITH PREJUDICE.

SO ORDERED.

Signed on February 7, 2022, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge